

ARTICLE 30-03

FISHERY MANAGEMENT

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CHAPTER 30-03-01

BAIT VENDORS

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30-03-01-01. License required. No person, as defined by North Dakota Century Code section 20.1-01-02, shall sell, at retail or at wholesale, any live bait without first obtaining the appropriate annual license authorizing the person to do so. All licenses must be publicly displayed on the business premises. Business names must be displayed on any vehicle used to transport bait for sale. Licenses will be issued on a calendar year basis.

History: Amended effective January 1, 1991; May 1, 1995; April 1, 2006.

General Authority: NDCC 20.1-06-14

Law Implemented: NDCC 20.1-06-14

30-03-01-02. Live bait. The term "live bait" as used in this chapter includes all fishes, amphibians, insects, or other invertebrates or parts thereof.

History: Amended effective May 1, 1995.

General Authority: NDCC 20.1-06-14

Law Implemented: NDCC 20.1-06-14

30-03-01-03. License limitations. The holder of a retail bait vendor license may sell live bait at retail only, at one specified selling location per license. A wholesale bait vendor may only sell live bait to a licensed bait vendor. Both a retail license and a wholesale license are necessary to sell live bait at both retail and wholesale.

History: Amended effective May 1, 1995; April 1, 2006.

General Authority: NDCC 20.1-06-14

Law Implemented: NDCC 20.1-06-14

30-03-01-04. Assistants covered by license. Retail or wholesale bait vendor licenses are issued to one person only. A licensed retail bait vendor may have the assistance of other persons to sell live bait at the selling location designated on the vendor's license. A licensed wholesale bait vendor may employ the assistance of up to three other persons to capture or sell and transport live bait, provided the persons are named on the wholesale license and the original or copy of the wholesale license and other appropriate permits are carried on the person or in the transport vehicle. The licenseholder is responsible for the actions of employees, including all agents or assistants acting under their license. No one who has had a department-issued license revoked or suspended within three years may act as an agent or assistant.

History: Amended effective May 1, 1995; April 1, 2006.

General Authority: NDCC 20.1-06-14

Law Implemented: NDCC 20.1-06-14

30-03-01-05. Quantity requiring license. Possession of over twelve dozen live baitfish legal for use or resale shall require a retail or wholesale license.

History: Amended effective May 1, 1995; April 1, 2006.

General Authority: NDCC 20.1-06-14

Law Implemented: NDCC 20.1-06-14

30-03-01-06. Equipment. Persons commercializing in or transporting live bait shall use equipment capable of maintaining such live bait in a healthy and lively condition at all times. Each species of live baitfish must be kept separate from other species of live baitfish in holding and transport equipment. The premises and equipment of all persons commercializing in live bait shall be open to the inspection of the director or any of the director's duly appointed agents at any time.

History: Amended effective January 1, 1991; May 1, 1995; April 1, 2006.

General Authority: NDCC 20.1-06-14

Law Implemented: NDCC 20.1-06-14

30-03-01-07. Species permitted. Persons raising baitfish for sale shall raise only those species listed in the current fishing proclamation as legal live baitfish.

History: Amended effective May 1, 1995; April 1, 2006.

General Authority: NDCC 20.1-06-14

Law Implemented: NDCC 20.1-06-14

30-03-01-08. Interstate transport. It is illegal to import or ship live bait into or out of the state except with a permit issued by the director and only in the manner approved by the director. Shipments of legal baitfish, amphibians, and other aquatic organisms into or out of North Dakota are subject to periodic inspection by a duly appointed agent of the director. The director must be notified a minimum of twenty-four hours before any import of minnows or other live baitfish, amphibians, or other aquatic organisms. Failure of the vendor to secure the proper permits is a class B misdemeanor and may result in the revocation of the vendor's license.

History: Amended effective June 1, 1985; January 1, 1991; May 1, 1995; April 1, 2006.

General Authority: NDCC 20.1-06-14

Law Implemented: NDCC 20.1-06-14

30-03-01-09. Records. Each licensee shall keep accurate and up-to-date records, on forms furnished by the department, of location, species, and numbers of live bait seined or trapped by the dealer. Authorization to trap rivers and streams is required from the director before trapping. A bait dealer purchasing live bait or frozen baitfish for resale must record, on forms furnished by the department, the species and number as well as the name and address of the person from whom the dealer purchased them. Records must be open to inspection by the department at any reasonable hour. A copy of this record shall be submitted to the director no later than thirty days following expiration of the license. Records must be retained by the licenseholder for a period of two years after the expiration of any license issued under this section.

History: Amended effective January 1, 1991; May 1, 1995; April 1, 2006.

General Authority: NDCC 20.1-06-14

Law Implemented: NDCC 20.1-06-14

30-03-01-10. Seines and traps. Repealed effective April 1, 2006.

30-03-01-11. Live bait farm. The term "live bait farm" means any facility or pond used to raise live bait for wholesale. A live bait farm may be operated only by the holder of a wholesale bait license. Any wholesaler stocking live bait must first procure a stocking permit from the director.

History: Amended effective April 1, 2006.

General Authority: NDCC 20.1-06-14

Law Implemented: NDCC 20.1-06-14

30-03-01-12. Equipment for live bait farms. A person possessing only a retail license may take live baitfish with a seine not exceeding twenty-five feet [7.6 meters] in length and six feet [1.8 meters] in depth or with traps not larger than thirty inches [76 centimeters] in length, twelve inches [30.5 centimeters] in diameter, with a throat opening not to exceed one and three-quarter inches [4.445 centimeters] in diameter. The mesh size of both seine and traps shall not exceed three-eighths inch [9.5 millimeters] square measure.

A wholesaler operating a live bait farm may use additional equipment for harvesting the live bait, under the following conditions:

1. Upon application by a wholesaler, a permit may be granted by the director for the use of additional trapping or seining nets to harvest live bait from described private areas. The permit shall be issued only after it has been determined that the use of the areas does not in any way interfere or conflict with the resource management programs of the department or the United States fish and wildlife service.
2. Netting equipment allowed by special permit shall be used only in areas listed on the permit, and the equipment must have attached at all times the tags issued with and corresponding to the permit.
3. Fishtraps used by a wholesaler under permit shall be restricted to those less than five feet [1.5 meters] in any dimension. Mesh size shall not exceed one-half inch [12.7 millimeters] square measure, and the throat opening shall be less than three inches [76.2 millimeters] in diameter or width.
4. Seines used by a wholesaler under permit shall be restricted to those less than two hundred fifty feet [76 meters] in length and fourteen feet [4.25 meters] in depth. Mesh size shall not exceed one-half inch [12.7 millimeters] square measure.
5. Incidental take of nonpermitted species must be returned to the water immediately.

History: Amended effective May 1, 1995; April 1, 2006.

General Authority: NDCC 20.1-06-14

Law Implemented: NDCC 20.1-06-04

30-03-01-13. Stocking. Stocking of any live fish, live fish eggs, live amphibians, or other live aquatic organism into any waters of the state shall be illegal except with the appropriate license or permit issued by the director. Violation of this section is a class B misdemeanor.

History: Amended effective May 1, 1995; April 1, 2006.

General Authority: NDCC 20.1-06-14

Law Implemented: NDCC 20.1-06-14

30-03-01-14. Violations and penalties. Any retail or wholesale bait vendor who violates any section of this chapter for which a penalty is not specifically provided is guilty of a noncriminal offense and shall pay a one hundred dollar fee. The violation may result in license revocation.

History: Effective April 1, 1986; amended effective January 1, 1991; May 1, 1995; April 1, 2006.

General Authority: NDCC 20.1-02-05(24)

Law Implemented: NDCC 20.1-02-05(24)